



REGION 6

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Letter to Industry #2
Eulachon-Shrimp Observer Project

April 8, 2011

Dear Coastal Pink Shrimp Fisher:

The purpose of this letter is to alert you to the implications of Oregon's new regulations for excluders (or biological reduction devices, BRDs) and also to clarify and provide additional information regarding the Washington observer project.

Implications of Oregon's new excluder rules

As you are aware, the Oregon Department of Fish and Wildlife adopted new gear rules for Oregon-licensed shrimp trawl vessels. The new excluder (or biological reduction device, BRD) rules prohibit the use of soft-panels, and for rigid-grates, set the maximum bar spacing at 1" for 2011 and $\frac{3}{4}$ " for 2012.

Under authority granted by the Magnuson-Stevens Fishery Act, a state has jurisdiction over vessels fishing in federal waters (outside three miles) if a vessel is registered under the laws of that state. Commercial fishing vessels are considered "registered" if the vessel is designated on a commercial fishing license. Offshore jurisdiction is also addressed in case law, which suggests that a state can extend its authority over a vessel if a nexus (or connection) exists between the regulating state and vessel. Fishermen are encouraged to get an interpretation related to offshore jurisdiction from the local jurisdiction (for Oregon, the Oregon State Police).

The Oregon State Police has determined that it is unlawful for any shrimp vessel to fish in waters off Oregon (out to 50 miles) without using a BRD that meets the current Oregon requirements (based on Oregon Revised Statute 506.755). In addition, based on Oregon Administrative Rule 635-006-0010, it is also unlawful for a shrimper to possess, on board, within 50 miles of shore, a BRD that does not meet Oregon's current requirements.

Accordingly, Washington licensed fishers are encouraged to determine in advance of fishing off-shore Oregon, whether or not, they are subject to these new excluder rules.

Additional observer project information

First, only those vessels holding a Washington shrimp trawl license *and* operating from Westport or Ilwaco will be asked to carry a state observer. The WA shrimp trawl permit conditions and vessel manual were written more broadly, but for practical purposes the scope of the project is limited to these two ports. Oregon vessels that hold a Washington shrimp trawl license that do not operate in Washington are not expected to participate in the observer project. **However, if at any time in the season, an OR-WA licensed vessel lands in a Washington port, the vessel operator must contact the Observer Project Lead before departing the port on the next shrimp fishing trip.** The specific requirement is listed on the Pink Shrimp Trawl Observer Project Vessel Manual. Following the protocols outlined in the manual is a condition of the Washington Shrimp Trawl Permit.

Communications

Departure Notice: At least 24 hours (but not more than 36 hours) before departing on a pink shrimp fishing trip, all vessels must notify the Project Lead of the vessel's intended time of departure.

Weather Delay Notice: If a vessel anticipates a delayed departure of more than six hours from the original departure time, the vessel must provide an additional notice to the Project Lead.

Brad Speidel is the project lead and he may be contacted anytime at (360) 581-6131.

Secondly, the Washington shrimp permit conditions require maintaining a project logbook for *all* pink shrimp fishing trips this year. As with the requirement to carry an observer, this condition applies only to those vessels operating from Washington ports. Logbooks may be obtained by contacting Brad Speidel.

There are two key objectives to the logbook program.

- Document catch and bycatch on non-observed trips
- Compare skipper log book data to observer data

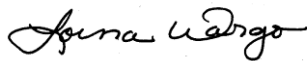
It is understood that skippers will need some time to become familiar with the WDFW logbook, especially as it requires a little more detailed reporting of bycatch species. However, this effort may prove useful for future management decisions regarding future observer coverage of the fishery. The Washington coastal sardine fishery had mandatory observer coverage for five years, and skippers maintained logbooks during that same period. A comparison of logbook

data to observer data showed that skipper-reported bycatch and observer-reported bycatch were relatively close. Based on this, and the low incidence of bycatch species of concern (salmon), the observer program was discontinued. Although a similar outcome is not certain for the shrimp fishery, skippers are encouraged to be as thorough and accurate as possible when filling out their logbooks. This will likely require that crew members become familiar with the particular categories of bycatch in the logbook. To support the comparison, it is important that the logbook represent the skipper and crew's best estimates of bycatch. Do not simply obtain this information from the observer if one is onboard.

Finally, as mentioned at the industry meetings in March, gear modifications hold significant potential to address concerns relative to bycatch. Skippers are encouraged to test gear and fishing practices that will not only exclude non-shrimp species effectively, but actually reduce the number of fish entering the net. The National Marine Fisheries Service Protected Resources Division has concerns that fish, even when excluded from entering the codend, suffer from fatigue or other harm that may cause mortality. Project observers will be asking skippers about gear configuration. Please use this opportunity to provide them detailed information as this, in conjunction with bycatch data, could provide useful insights as to the effectiveness of any gear modifications.

If you need more information, please contact Lorna Wargo at (360) 249-1221 or (360) 489-4679.

Sincerely,

A handwritten signature in black ink, appearing to read "Lorna Wargo". The signature is fluid and cursive, with the first name "Lorna" being more prominent than the last name "Wargo".

Lorna Wargo
Marine Fisheries Biologist